रजिस्ट्री सं० डी-(डी)-72 REGISTERED No. D-(D)-72

भारत का राजपत्र
The Gazette of India

असाधारण
EXTRAORDINARY
भाग II—खण्ड 2
PART II—Section 2
प्राधिकार से प्रकाशित
PUBLISHED BY AUTHORITY

सं० 46] नई दिल्ली, शुक्रवार, दिसम्बर 9, 1983/अग्रहायण 18, 1905
No. 46] NEW DELHI, FRIDAY, December 9, 1983/Agrayana 18, 1905

इस भाग में भिन्न पृष्ठ संख्या दी जाती है जिससे कि यह अलग संकलन के रूप में रखा जा सके ।
Separate paging is given to this Part in order that it may be fired as a separate compilation

LOK SABHA

The following Bills were introduced in Lok Sabha on the 9th December 1983:—

BILL No. 123 OF 1983

A Bill further to amend the Representation of the People Act, 1951.

BE it enacted by Parliament in the Thirty-fourth Year of the Republic of India as follows:—

Short title and commencement.

1. (*1*) This Act may be called the Representation of the People (Amendment) Act, 1983.

(2) It shall come into force at once.

Insertion of new section 10B, etc.

43 of 1951

2. In the Representation of the People Act, 1951, after section 10A, the following sections shall be inserted, namely:—

Disqualification for violation of small family norm.

"10B. A person shall be disqualified if he—

(*a*) has more than two children of whom the third child was born after 31st January, 1983;

(*b*) has more than three children of whom the fourth child was born after 31st December, 1977:

Provided that the provision of this section shall not apply to a sitting member of either House of Parliament or of the Legislative Assembly or Legislative Council of a State on the date of coming into force of the Representation of the People (Amendment) Act, 1983.

Disqualification for violation of Dowry Probition Act,

10C. A person shall be disqualified if he has been held guilty of violation of the provisions of the Dowry Prohibition Act, 1961.". 28 of 1961.

STATEMENT OF OBJECTS AND REASONS

Two major problems facing the country and concerning women are family planning and abolition of dowry system. Though both these issues are related to the status of women they are equally important for national development.

According to 1981 census, population of India was 685.2 millions. It would be more than 975 millions by the turn of the century. If the population is allowed to grow at his rate without any drastic check, fruits of development would not reach the poor and more and more persons will be pushed below the poverty line.

The present day programme of motivating couples to limit their family size is not effective enough to produce desired effect of achieving zero growth rate of population in the near future.

It is in the national interest to provide for every child all its necessities so as to help it to grow into a well developed adult capable of participating in the developmental activities.

One of the most dominant motivating forces behind an individual is the acquisition of power or position either through elections or nominations. Therefore, the best course would be to motivate aspiring and elected representatives who can set an example before the masses and thereby generate a will to accept small family norm and simple marriages without dowry.

These objectives can be achieved best by disqualifying those candidates and elected representatives who disregard the national policy of population control and violate the provisions of the Dowry Prohibition Act, 1961. The proposed amendments to the Representation of the People Act, 1951 are intended to subserve these objectives.

Hence the Bill.

NEW DELHI;
October 21, 1983.

PRAMILA DANDAVATE.

BILL No. 126 OF 1983

A Bill further to amend the Indian Railways Act, 1890.

BE it enacted by Parliament in the Thirty-fourth Year of the Republic of India as follows:—

Short title, and commencement.

1. (*1*) This Act may be called the Enemy Property (Repeal) Act, 1983.

(*2*) It shall come into force at once.

Repeal of Act 34 of 1968.

2. The Enemy Property Act, 1968 is hereby repealed.

STATEMENT OF OBJECTS AND REASONS

The Defence of India Rules, 1962, were promulgated under the Defence of India Act, 1962 at the time of India-China conflict. China was declared an enemy country and the property of Chinese nationals was automatically vested in the Custodian of Enemy Property for India appointed under the said Rules. Similarly, at the time of Indo-Pak war of 1965, Defence of India Rules were again promulgated. Pakistan was declared an enemy country and all the property of Pakistani nationals was automatically vested in the Custodian. The Enemy Property Ordinance came into force in 1968. The Ordinance was repealed and was replaced by the Enemy Property Act, 1968. The Defence of India Act and the Rules thereunder subsequently expired.

The continuance of the Enemy Property Act, 1968 is an anachronism, and is also contrary to the ardent desire of India to have good relations with her neighbours. This Act, therefore, should be repealed.

Hence this Bill.

NEW DELHI;
October 22, 1983.

G. M. BANATWALLA

BILL No. 122 OF 1983

A Bill to repeal the Administration of Evacuee Property Act, 1950.

BE it enacted by Parliament in the Thirty-fourth Year of the Republic of India as follows:—

Short title and commencement.

1. (*1*) This Act may be called the Administration of Evacuee Property (Repeal) Act, 1983.

(*2*) It shall come into force at once.

Repeal of Act 31 of 1950.

2. The Administration of Evacuee Property Act, 1950 is hereby repealed.

STATEMENT OF OBJECTS AND REASONS

The object of the Evacuee Property Ordinance, 1949 (No. 1 of 1949) was to vest in the Custodian of Evacuee Property all the property of persons who had migrated from India to Pakistan after the partition of the country, so as to rehabilitate the refugees coming from Pakistan to India. This Ordinance was replaced by the Administration of Evacuee Property Ordinance, 1949 (Ordinance 27 of 1949), which, in turn, was repealed and replaced by the Administration of Evacuee Property Act, 1950.

The Administration of Evacuee Property Act, 1950, was amended in 1954 to provide that no property shall be declared as the evacuee property on or after the 7th day of May, 1954. This indicates that the proclaimed social purpose of the legislation had been fulfilled. However, contrary to the spirit of this amendment, scope has been found to take action by invoking the provision of the earlier Ordinance which had laid down that no notice or declaration was needed in respect of any alleged evacuee property and the said property was deemed to be automatically vested in the Custodian of Evacuee Property. When the Ordinance was repealed, it was specifically stated that the repeal shall not effect the previous operation of the Ordinance.

The continuance in force of Administration of Evacuee Property Act, 1950, after the fulfilment of its proclaimed social purpose is not only a serious anomaly, but is also a perennial source of harassment to Indian nationals. Many Indians have bought property from Pakistani nationals related to them. In many cases, Pakistani nationals gifted their property in India to their relatives. Oral gifts are allowed under Muslim Personal Law. However, these have seldom been accepted by the Custodian, opening floodgates of litigation.

The Bill seeks to repeal the Act to undo the continuous wrong.

NEW DELHI;
October 22, 1983.

G. M. BANATWALLA

BILL NO. 122 OF 1983

A Bill further to amend the Inditan Railways Act, 1890.

BE it enacted by Parliament in the Thirty-fourth Year of the Republic of India as follows:—

Short title, extent and commencement.

1. (*1*) This Act may be called the Indian Railways (Amendment) Act, 1983.

(*2*) It shall extend to the whole of India.

(*3*) It shall come into force at once.

Insertion of new section 62A.

2. After section 62 of the Indian Railways Act, 1890 (hereinafter referred to as the principal Act), the following section shall be inserted, namely:— 9 of 1890.

Abolition of classes in trains.

"62A. There shall be only one class for railway travel and no distinction shall be made in respect of the compartments or carriages in any train run by any railway and all such classification such as first class and second class, wherever in existence, shall be done

away with within one year of the commencement of the Indian Railways (Amendment) Act, 1983 in the case of all long distance trains and within five years in the case of other trains.".

Insertion of new section 63A.

3. After section 63 of the principal Act, the following section shall be inserted, namely:—

Restriction on Issue of excess tickets.

"**63A.** No railway administration shall issue tickets in any train in excess of the maximum number of passengers which may be carried in each compartment of every description of carriage as fixed under section 63.".

Amendment of section 66.

4. In section 66 of the principal Act, in sub-section (*1*), the following proviso shall be added, namely:—

"Provided that no further tickets shall be issued if the railway is unable to provide accommodation to the passengers holding the tickets.".

STATEMENT OF OBJECTS AND REASONS

The Bill seeks to abolish the present class distinctions in railway travel and to introduce only one kind of rail travel in the country. This would not only result in better travel facilities for all passengers travelling by the railways, but also contribute in no small measure to social integration in the country by doing away with class distinctions from one more sphere of public activity.

NEW DELHI;
October 27, 1983.

MADHU DANDAVATE

BILL NO. 121 OF 1983

A Bill to provide for the prevention of State Lotteries

BE it enacted by Parliament in the Thirty-fourth Year of the Republic of India as follows:—

1. (*1*) This Act may be called the Prevention of Lotteries Act, 1983. Short title and commencement.

(*2*) It shall come into force at once.

2. Floatation of lotteries by the Central and State Governments is hereby banned. Prevention of State lotteries.

STATEMENT OF OBJECTS AND REASONS

The floating of lotteries by the States has become a common feature in our country. It is creating a very unhealthy effect upon the people coming from the poor section of the society. There are innumerable instances where the poor people, with the desire to become millionaire overnight, have invested all their monthly earnings on the purchase of lottery tickets at the cost of even starving their families throughout the month. Further it is cultivating the habit of gambling amongst the people and it is feared that it may turn the nation into a nation of gamblers. It is likely that this practice may also spread to the Central Government. Hence, it is very expedient to ban the floating of lotteries by the Central and State Governments.

NEW DELHI;

October 27, 1983.

MADHU DANDAVATE.

BILL NO. 130 OF 1983

A Bill to provide for the setting up of Civil Liberties Commissions to investigate infringement of civil liberties guaranteed by the Constitution.

BE it enacted by Parliament in the Thirty-fourth Year of the Republic of India as follows:—

Short title and commencement.

1. (*1*) This Act may be called the Civil Liberties Commissions Act, 1983.

(2) It shall come into force—

(*i*) in the Union territories within a period of three months from the date on which the Bill receives the assent of the President. and

(*ii*) in the States on such dates as the State Governments concerned may, by notification in the Official Gazette, appoint.

Setting up and composition of Civil Liberties Commissions.

2. (*1*) **There shall be set up in each State and Union territory a Civil Liberties Commission, hereinafter referred to as the Commission, consisting of not more than five members.**

(2) The Commissions shall consist of former judges of the High Courts or of Supreme Court or persons qualified to be appointed as judges of the Supreme Court or a High Court.

Mode of appointment etc. of the members of the Commissions.

3. (*1*) The appointment of the members of the Commissions shall be made by the respective State Governments, and in the case of Union territories, by the Central Government, in consultation with the Chief Justice of the Supreme Court.

(2) The term of office of the members of the Commission shall be four years.

(3) The members of the Commissions shall not be eligible for reappointment.

(4) The total salary, emoluments and amenities of a member of the Commission shall not exceed two thousand rupees per month.

Functions and powers of the Commissions.

4. (1) It shall be the duty of the Commissions to collect information about the police procedures and administration of Justice and take steps to ensure protection of citizens' personal liberties and freedoms.

(2) The Commissions shall have the power to visit the departments concerned with the administration of Justice and criminal law and protection of civil liberties, ask for papers, documents, files, etc. and take such other action as may be deemed necessary for the proper execution of their duty.

(3) The Commissions shall have the power, in appropriate cases, to help the aggrieved citizens in the matter of securing enforcement of their rights in the law courts.

(4) The Commission shall be entitled to suggest corrective action by way of legislative amendment or administrative reform or executive action either in their annual reports or through interim reports specially drawn up for the purpose.

(5) The Commission shall submit annual reports for each calendar year to the Legislature of the State concerned, and in the case of Union territories to the two Houses of Parliament before the 31st March of the subsequent year.

Staff of Commissions.

5. The Commission shall be provided by the respective Governments with full-time expert staff, including personnel with legal training and experience of the functioning of police, jail and law departments.

Citizens to be entitled to place grievances before the commission.

6. Every citizen, resident of the State or Union territory, shall be entitled to place his grievances before the respective Commission.

Power to make rules.

7. The Central Government and the State Governments may frame rules for the transaction of business by the Commission functioning in their respective jurisdictions.

STATEMENT OF OBJECTS AND REASONS

Despite our constitutional guarantees, including the citizens' right to move the Supreme Court for the enforcement of fundamental rights under article 32 of the Constitution, instances daily multiply of the breach of legality and harassment of common citizens by the policy and magistracy.

There is, in the first place, a lack of awareness on the part of the oppressed people of their rights. Secondly, because of their poor financial condition they cannot seek effective legal remedy, and so the tyranny of the executive remains unchecked.

This Bill seeks to establish Civil Liberties Commissions in the States and Union territories in order to fill an important lacuna in our legal system, administration of our criminal law and enforcement of citizens' fundamental rights.

These Commissions will be charged with the task of systematically reviewing the law and practice in the various spheres affecting civil liberties. Citizens shall be entitled to bring their grievances to the attention of these Commissions. They would be empowered to go into the brances connected with the administration of Criminal Law, that is, Departments of Police, Home, Law and Jails and learn at first hand what their practice is by examination of the files. Failure to provide for on the spot investigation is often destructive of Government responsibility towards the people. While the Legislatures sometimes fulfil an important function in this matter, they cannot give as much attention to this problem as a Civil Liberties Commission fully empowered to investigate these matters would be able to do. People at the top in the Departments whose work has a bearing on civil liberties have very little personal experience of how the Police and the Magistracy are functioning at the lower levels. Even the knowledge of some of the top-flight lawyers who practise in the Supreme Court is not based on practical experience.

Since the Civil Liberties Commission will be provided with full time expert staff, including research assistants, to report from first hand investigation on the protection of civil liberties, its report will be a great help to the Legislatures in solving the grievances of the people and suggesting corrective action by way of legislative amendments or administrative reform or executive action.

The setting up of the Civil Liberties Commissions will make the fundamental rights a reality for our common people.

NEW DELHI;
October 27, 1983.

MADHU DANDAVATE

FINANCIAL MEMORANDUM

Clauses 2(1), 3(4) and 5 of the Bill provide for the setting up of Civil Liberties Commissions and payment of emoluments to the members and staff of the Commissions. It will be the responsibility of the State Governments to pay the emoluments to the members of the Civil Liberties Commissions in their respective States.

As far as the Union territories are concerned, the recurring expenditure from the Consolidated Fund of India will be less than three lakh rupees per year. Non-recurring expenditure of about one lakh rupees will also be involved from the Consolidated Fund of India.

MEMORANDUM REGARDING DELEGATED LEGISLATION

Clause 7 of the Bill empowers the Central and State Governments to frame rules for the transaction of business by the Civil Liberties Commissions in their respective jurisdictions. The delegation of power is of a normal character and entirely in consonance with the provisions of the Constitution.

BILL NO. 128 OF 1983

A Bill to provide for the right to trace one's lineage from the side of one's mother.

BE it enacted by Parliament in the Thirty-fourth Year of the Republic of India as follows:—

Short title and commencement.

1. (*1*) This Act may be called the Mother's Lineage Act, 1983.

(2) It shall come into force at once.

Establishment of lineage.

2. Notwithstanding anything contained in any law for the time being in force throughout the territory of India, it shall be unlawful for any Government, authority or person to compel any other person who is a citizen of India to fill and sign any form, statutory or non-statutory, official or non-official, which provides for establishing a person's lineage only through his or her father or to prohibit him or her to write his or her mother's name instead.

Right to refuse to fill forms in certain cases.

3. After the coming into force of this Act, it shall be lawful for any citizen of India to refuse to fill a form requiring him or her to give his or her father's name or her husband's name and which does not give him or her the option to give the name of his or her mother.

Misdemeanour under the Act.

4. It shall be a grave misdemeanour under this Act for any person to describe any citizen of India as "bastard".

Penalties.

5. (*1*) Whosoever compels any citizen of India to act in a manner contrary to the provisions of sections 2 and 3 of this Act or discriminates against any citizen on the ground of the citizen's refusal to act in a manner which is against the provisions of these sections, shall be punishable with rigorous imprisonment for a term which may extend to one month and fine of five hundred rupees or one month's imprisonment in lieu thereof.

(*2*) The misdemeanour mentioned in section 4 shall be punishable with rigorous imprisonment for a term which may extend to one year and a fine of five hundred rupees or one month's imprisonment in lieu thereof.

STATEMENT OF OBJECTS AND REASONS

The seven revolutions that are currently moulding the destiny of mankind are inter-related revolutions. Important among these revolutions is the transformation of the man-woman relationship and the establishment of equality between the two sexes. In order to make the man-woman equality a reality the human mind will have to liberate itself from many obsolete concepts which are associated with the possessive property-conscious, male-dominated society.

The concept of "illegitimacy" and the practice of tracing one's lineage solely from the father's side is one such reactionary and fossilized concept. The reactionary attitudes which from the unspelt basis of the present official and non-official practices and decisions of the courts will have to be discarded completely if the egalitarian principles of the Constitution are to inform and elevate our social life.

In India there has been going on for the last three thousand years a conflict between the liberal attitude on the one hand and the orthodox standpoint on the other. The story of the sage Jabali is well known. This "illegitimate" son of his mother when questioned about the identity of his father pleaded ignorance, went to his mother and when informed that she could not say definitely who his father was, came back and gave a truthful account of what his mother had told him. For his fearless and truthful utterance the people of ancient India not only honoured him but canonised him as a sage. The present reactionary attitudes, therefore are contrary to the liberal spirit to which the legend of Jabali bears witness.

The life of thousands of people and their mothers is being made miserable because of the fossilised attitudes that prevail in our society today. This Bill seeks to remove the stigma of "illegitimacy" from those thousands of unfortunate people, "illegitimate" sons and daughters of their mothers, who are being persecuted by society for no fault of theirs.

NEW DELHI;
October 27, 1983.

MADHU DANDAVATE.

BILL No. 115 OF 1983

A Bill further to amend the Constitution of India.

BE it enacted by Parliament in the Thirty-fourth Year of the Republic of India as follows:—

Short title and commencement.

1. (*1*) This Act may be called the Constitution (Amendment) Act, 1983.

(*2*) It shall come into force at once.

Amendment of article 16.

2. In article 16 of the Constitution, for clause (*4*), the following clause shall be substituted, namely:—

"(*4*) Nothing in this article shall prevent the State from making any provision for the reservation of appointments or posts in favour of any economically backward class of citizen whose family's total annual income upon whom such citizen is dependent does not exceed rupees three thousand and, which, in the opinion of the State, is not adequately represented in the services under the State.".

STATEMENT OF OBJECTS AND REASONS

Article 16 of the Constitution of India provides that there shall be equality of opportunity for all citizens in matters relating to employment or appointment to any office under the State and that no citizen shall, on grounds only of religion, race, caste, sex, descent, place of birth, residence or any of them be ineligible for, or discriminated against in respect of, any employment or office under the State.

In pursuance of these provisions Government have been making efforts to provide jobs for those citizens who have not been adequately represented in the services under the State. The efforts made are no doubt laudable.

However, it has been observed that in determining which class of people belongs to backward class, due consideration has not been given to the economic status of the citizen. As a result many of the affluents amidst so called inadequately represented castes have gained advantages at the cost of the economically backward class of citizens of other castes.

The Bill seeks to provide equitable opportunity to all citizens who are economically backward and who should be given due opportunity in the services of the State.

This amendment which has become a need of the hour will go a long way in reducing inequalities amongst the various sections of the society and provide equal employment opportunities to all citizens irrespective of their creed or caste as is provided in the Constitution.

Hence this Bill.

NEW DELHI;
November, 3, 1983.

JAYANTI PATNAIK

BILL NO. 132 OF 1983

A Bill to provide for incentives to those who would restrict their families by using family planning devices.

BE it enacted by Parliament in the Thirty-fourth Year of the Republic of India as follows:—

Short title, extent and commencement.

1. (*1*) This Act may be called the Family Restriction Incentives Act, 1983.

(*2*) It extends to whole of India.

(*3*) It shall come into force at once.

Definitions.

2. In this Act, unless the context otherwise requires,—

(*a*) "family" entitled to receive incentives mentioned in section 3, would mean and include those families which consist of parents and two children;

(*b*) "incentives" mean and include additional benefits mentioned in section 3, which the State shall provide to such families.

Provision of incentives for family planners.

3. The State shall provide following incentives to the families restricting their size to the limit as provided under section 2(*a*) by adopting various family planning methods, namely:—

(*a*) **free education to children upto the age of 18 years or upto graduation level, whichever is earlier;**

(*b*) **priority in the matter of allotment of Government accommodation to Government employees and/or priority in the allotment of ready built houses/flats by the agencies under the control of the State;**

(*c*) **in the case of non-Government employees, priority in the allotment of houses/flats by the agencies under the control of the State;**

(*d*) **free medical facilities for such families;**

(*e*) **priority in the supply of essential commodities to such families from the public distribution system; and**

(*f*) **any other incentive which the Government may decide to provide;**

Power to make rules.

4. (*1*) The Central Government may, by notification in the Official Gazette, make rules for carrying out the purposes of this Act.

(*2*) Every rule made by the Central Government under this Act shall be laid, as soon as may be after it is made, before each House of Parliament, while it is in session, for a total period of thirty days which may be comprised in one session or in two or more successive sessions, and if, before the expiry of the session immediately following the session or the successive sessions aforesaid, both Houses agree in making any modification in the rule or both Houses agree that the rule should not be made, the rule shall thereafter have effect only in such modified form or be of no effect, as the case may be; so, however, that any such modification or annulment shall be without prejudice to the validity of anything previously done under that rule.

STATEMENT OF OBJECTS AND REASONS

It has been our avowed objective and earnest endeavour to achieve the twin goals of social development as well as economic development within the framework of the present democratic system as envisaged in our Constitution. However, it is observed that achievement of goal of economic growth has no meaning and the lot of masses could not be bettered unless mouths to be fed are kept within the desired limit.

Keeping this in view, our country has been pursuing a policy of voluntary family planning programme. Even our Prime Minister, while receiving the population award given by the United Nations Organisation, stated that India had "not and shall not use coercion" in its family planning programme.

Given the above objective, the country has to achieve the goal of family planning at a speedier rate. This is possible only when we legalise the incentives being given to those who adopt small family norms. There had been so far a haphazard approach in providing these incentives.

The Bill has become a need of the hour since it spells out in clear terms the incentives which should be given to those who plan their families. Undoubtedly, if the present Bill is enacted, it would give the necessary impetus to the Family Planning Programme of our country.

Hence this Bill.

NEW DELHI; JAYANTI PATNAIK.

November 2, 1983.

FINANCIAL MEMORANDUM

Clause 3 of the Bill provides for free education to children upto eighteen years of age or upto graduation level, free medical facilities and giving of any other incentive, which the Government may decide to give, to the families of those persons who restrict the size of their families. The Bill, therefore, if enacted, will involve expenditure from the Consolidated Fund of India. It is likely to involve a recurring expenditure of about rupees twenty-five crores per annum.

No non-recurring expenditure is likely to be involved.

MEMORANDUM REGARDING DELEGATED LEGISLATION

Clause 4 of the Bill empowers the Central Government to make rules for carrying out the purpose of the Bill.

Since the rules will relate to matters of detail only, the delegation of legislative power is of a normal character.

BILL NO. 117 OF 1983

A Bill further to amend the Constitution of India.

BE it enacted by Parliament in the Twenty-fourth Year of the Republic of India as follows:—

Short title

1. This Act may be called the Constitution (Amendment) Act, 1983.

Substitution of new article for 263.

2. For article 263 of the Constitution, the following article shall be substituted, namely:—

Provisions with respect to an inter-State Council.

"263. (1) There shall be established an inter-State Council, charged with the duty of—

(a) inquiring into and advising upon disputs which may have arisen between States;

(b) investigating and discussing subjects in which some or all of the States, or the Union and one or more of the States, have a common interest; or

(c) making recommendations upon any such subject and, in particular, recommendations for the better co-ordination of policy and action with respect to that subject.

(2) The Council shall consist of the Prime Minister, the Union Minister of Home Affairs and the Chief Ministers of the States.

(3) The Prime Minister shall be the Chairman of the Council.

(4) The Council may invite any other member of the Union Council of Ministers and any administrator of the Union-territories to the Council, whenever considered necessary.

(5) The Council shall meet at least once a year and at any time at the request of the Chairman or of a Chief Minister of a State.

(6) The Council shall have a Secretary who shall be appointed by the President under his hand and seal on the advice of the Prime Minister in consultation with the Chief Ministers of the States.

(7) The term of office of the Secretary shall be five years.

(8) The other terms and conditions of service of the Secretary shall be such as may be laid down by the Council.

(9) The Council shall frame an annual budget to which the Central Government and the Governments of States shall contribute equitably.

(10) The Council shall have the power to lay down its own procedure.".

STATEMENT OF OBJECTS REASONS

Article 263 of the Constitution enjoins upon the President to set up an inter-State Council, for the purpose of coordination between States if he is satisfied about the need for it. The article is interpreted as one of recommendatory nature and not of mandatory one. Relying on this interpretation the Government have persistently refused to advise the President to set up such inter-State Council as contemplated in the Constitution. As such, a Council has not yet been set up.

The Administrative Reforms Commission, although did not share the view of changing the Constitution for more harmonious relations between the Centre and States, did recommend the use of this enabling provision to set up a Council. The recommendation, however, did not find favour with the Government presumably because of over stated interpretation.

In the changed political condition, particularly marked by the advent of multi-party polity, the need of a forum for mutual exchange of views on issues which concern the States as well as the Centre, is highly imperative. This Council cannot be brought into existence unless the article is made mandatory.

Hence this Bill.

NEW DELHI;
November 5, 1983.

CHITTA BASU

FINANCIAL MEMORANDUM

Clause 2 of the Bill provides for an inter-State Council. The Council will have a Secretary, with his Secretariat. There will be no expenditure from the Consolidated Fund of India in the case of the Members of the inter-State Council inasmuch as all of them will already be the functionaries of the Central and State Governments and of the Administrations of the Union territories, drawing their salaries and allowances from the respective Governments and the Union territories.

There will, however, be expenditure involved from the Consolidated Fund of India in respect of the office of the Secretary and his Secretariat. The recurring expenditure on this account may, approximately, be of the order of rupees three lakhs per annum. There will also be involved a non-recurring expenditure of about rupees fifty thousand at the initial stage.

MEMORANDUM REGARDING DELEGATED LEGISLATION

Clause 2 of the Bill provides for laying down by the Council the terms and conditions of the service of the Secretary to the inter-State Council under article 263(8), as substituted. Provision has also been made empowering the Council to lay down its own procedure. The matters with respect to which the Council will make rules are matters of detail only. The delegation of legislative power, therefore, is of a normal character.

AVTAR SINGH RIKHY,
Secretary.

PRINTED BY THE GENERAL MANAGER, GOVERNMENT OF INDIA PRESS, MINTO ROAD, NEW DELHI AND PUBLISHED BY THE CONTROLLER OF PUBLICATIONS, DELHI, 1984